

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:23-cv-120-MOC

JOHNATHAN ROBERT SIMPSON,)
)
Plaintiff,)
)
v.)
)
MARTIN O'MALLEY,)
Commissioner of Social Security,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court on Plaintiff's motion for attorneys' fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. No. 16). Defendant stipulates to the requested fee. (Id. ¶ 11).

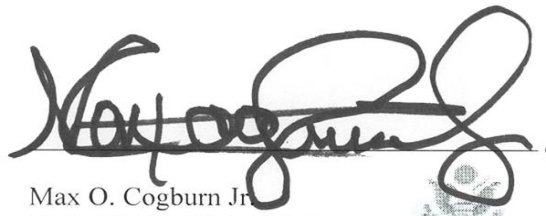
Having reviewed Plaintiff's motion, supporting exhibits, and the case file, the Court determines that Plaintiff's request for attorneys' fees is reasonable. Plaintiff's motion for attorneys' fees is, therefore, **GRANTED**. It is hereby **ORDERED** that Plaintiff, Johnathan Robert Simpson, is awarded attorneys' fees in the amount of \$4,400.00. Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel, Aaron L. Dalton, Chad Brown Law, P.O. Box 4537, Mooresville, North Carolina 28117. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's

counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Johnathan Robert Simpson, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

IT IS SO ORDERED.

Signed: March 22, 2024



Max O. Cogburn Jr.
United States District Judge